



PET. DEC.

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: 4/19/05

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In re application of  
Hans H. Haraldsted  
Serial No. 09/889,724  
Filed: October 26, 2001  
For: METHOD AND APPARATUS FOR CONTINUOUS HOMOGENISING  
OF LIQUID IN AN ULTRASOUND CHAMPER :

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:  
: DECISION ON  
: PETITION  
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This is a response to the COMMUNICATION, filed February 23, 2004.  
Applicant asks the USPTO remail the Office letter of July 28, 2003 since the  
Office letter of July 28, 2003 was not received by the applicant. The instant  
application has been abandoned as set forth in the Notice of Abandonment mailed  
February 11, 2004.

**DECISION**

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee),  
and is evaluated under the procedures regarding an acceptable showing of non-  
receipt of an office action. See MPEP 711.03(c)(II).

A review of the petitioner's evidence indicates that the request cannot be granted.  
As set forth in MPEP 711.03(c) II- PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION :

"The showing required to establish the nonreceipt of an Office communication **must**  
include a statement from the practitioner stating that Office communication was not received by  
the practitioner and **attesting to the fact that a search of the file jacket and docket records**  
**indicates that the Office communication was not received**. A copy of the docket record where  
the nonreceived Office communication would have been entered had it been received and  
docketed must be attached to and referenced in the practitioner's statement. " (emphasis added)

The evidence presented is insufficient to establish that the above noted Office letter  
was not received by the petitioner. The evidence provided includes a statement by



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the petitioner that the Office letter of July 28, 2003 has not been received, and Applicant's file shows that the last communication received from the USPTO was an Office action mailed December 12, 2001. However, the instant petition does not contain a statement attesting that a search of the file jacket and docket records was made, and the result of such search revealed that the office letter of July 28, 2003 was not received and it fails to submit a copy of the docket record where the nonreceived Office letter would have been entered had it been received.

The applicant is advised to consult an attorney or agent registered to practice before the USPTO regarding to the requirement of U.S. patent law and procedures.

Accordingly, this application stands abandoned.

The Petition is **DENIED**.

Stone

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